

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODPUR**

ORDER

S.B. Criminal Misc. Petition No.1531/2007
(Ashkaran Vs. Basanti)

Date of Order : 24th October, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Ravindra Acharaya for petitioner.

By the instant criminal misc petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 5th April, 2006 passed by the Additional Chief Judicial Magistrate No.3, Bikaner (for short 'the trial court') whereby the trial court on an application filed by the respondent granted allowance of maintenance of Rs.1500/- per month against the petitioner and in favour of the respondent.

Heard learned counsel for the petitioner and perused the impugned order as also the material available on record.

It appears from the record that the respondent is mother of the present petitioner. The respondent's husband while in service died and the petitioner got the job on the death

of his father as compassionate appointment. The respondent is getting pension, however, in order to arrange and solemnize the marriage of the petitioner, respondent took loan from pension account of Rs.18,000/-, therefore, a sum of Rs.1,000/- is being deducted against the loan amount. The said amount was taken for the purpose of getting marriage of the petitioner and was utilized by the petitioner for his marriage as per material available on record. The respondent out of monthly pension of Rs.1500/- actually getting only Rs.500/-. Even, the petitioner after his marriage did not support the respondent-mother. He also did not repay the amount utilised by him for his marriage. Having regard to the facts and circumstances of the case, the trial court granted allowance of maintenance of Rs.1500/- per month. On considering the totality of facts and circumstances of the case, in my considered view, the trial court was justified in granting monthly allowance of maintenance @ Rs.1500/- in favour of the respondent.

In view of above, I do not find any error, illegality and perversity in the order impugned warranting any interference under the inherent jurisdiction under Section 482 of the Code and it cannot be said that the impugned order would result in serious miscarriage of justice or abuse of the process of the Court.

The instant criminal misc. petition is, therefore,
dismissed.

(H.R. PANWAR), J.

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